



TGW AF

# Notice of Appeal From the Primary Examiner to the Board of Patent Appeals and Interferences (37 CFR 1.191)

Date of Mailing: December 14, 2006

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## In the United States Patent and Trademark Office

In re application of: James P. Elia

Docket No.: 1000-10-CO1

Serial No. 09/836,750

Group No.: 1646

Filed: April 17, 2001

Examiner: Elizabeth C. Kemmerer, Ph.D.

For: METHOD FOR GROWING MUSCLE  
IN A HUMAN HEART

### CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited  
with the United States Postal Service as First Class Mail  
in an envelope addressed to MAIL STOP AF, Commissioner for  
Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

DECEMBER 14, 2006

Howard N. White 12/14/06

Signature

Date of Signature

**MAIL STOP AF**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

Applicant hereby appeals to the Board from the decision of the Primary Examiner mailed September 22, 2006 finally rejecting claims 236, 238, 239, 243-253, and 257-287.

The item(s) checked below are appropriate:

1. **Status of Applicant**

This application is on behalf of  
 a small entity

2. **Fee for Filing Notice of Appeal**

Pursuant to 37 CFR 1.17(e) the fee for filing the Notice of Appeal is:

Notice of Appeal fee due: \$ 250.00

a small entity

3. **Extension of Term**

a)  Extension requested:

Extension (months)	Fee for small entity
one month	\$ 55.00
two months	\$ 215.00
three months	\$ 490.00
four months	\$ 765.00
five months	\$1,040.00

Request Extension for \_\_\_\_ month(s) = Fee \$ \_\_\_\_\_

Extension fee due: \$ \_\_\_\_\_

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An extension for \_\_\_\_\_ months has already been secured and the fee paid; therefore \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$\_\_\_\_\_

**OR**

b)  Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

4.

**Total Fee Due**

The total fee due is:

Notice of Appeal fee \$250.00

Extension fee (if any) \$\_\_\_\_\_

**Total Fee Due: \$ 250.00**

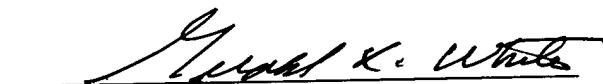
5.

**Fee Payment**

Attached is Check No. 1217 in the sum of \$ 250.00

Date: December 14, 2006

Reg. No.: 26,611

  
Signature of attorney

Gerald K. White

Type or print name of attorney

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